

## **IC 24-4-16.4**

### **Chapter 16.4. Sexually Explicit Materials**

#### **IC 24-4-16.4-0.1**

##### **Repealed**

*(Repealed by P.L.63-2012, SEC.28.)*

#### **IC 24-4-16.4-1**

##### **"Person"**

Sec. 1. As used in this chapter, "person" has the meaning set forth in IC 35-31.5-2-234.

*As added by P.L.92-2008, SEC.3. Amended by P.L.114-2012, SEC.48.*

#### **IC 24-4-16.4-2**

##### **"Sexually explicit materials"**

Sec. 2. (a) As used in this chapter, "sexually explicit materials" means a product or service:

(1) that is harmful to minors (as described in IC 35-49-2-2), even if the product or service is not intended to be used by or offered to a minor; or

(2) that is designed for use in, marketed primarily for, or provides for:

(A) the stimulation of the human genital organs; or

(B) masochism or a masochistic experience, sadism or a sadistic experience, sexual bondage, or sexual domination.

(b) The term does not include:

(1) birth control or contraceptive devices; or

(2) services, programs, products, or materials provided by a:

(A) communications service provider (as defined in IC 8-1-32.6-3);

(B) physician; or

(C) public or nonpublic school.

*As added by P.L.92-2008, SEC.3.*

#### **IC 24-4-16.4-3**

##### **Restrictions on offering for sale or selling sexually explicit materials**

Sec. 3. A person or an employee or agent of a person may not offer for sale or sell sexually explicit materials unless a registration and statement are properly filed under IC 23-1-55.

*As added by P.L.92-2008, SEC.3. Amended by P.L.1-2009, SEC.133.*

#### **IC 24-4-16.4-4**

##### **Violations**

Sec. 4. A person or an employee or agent of a person who knowingly or intentionally offers for sale or sells sexually explicit materials in violation of this chapter commits unregistered sale of sexually explicit materials, a Class B misdemeanor.

*As added by P.L.92-2008, SEC.3.*